

FIFTH DAY.

Senate Chamber,
Austin, Texas,
September 14, 1931.

The Senate met at 9:30 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Greer. Russek.

Prayer by the Rev. A. W. Jones of Llano.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Rawlings:

S. B. No. 13, A bill to be entitled "An Act to amend Article 7332, Chapter 10, Title 122, of the Revised Civil Statutes of Texas, 1925, as amended by the Acts of the Forty-first Legislature passed at its Regular Session, and found in the published laws of said session, Chapter 143, pages 307-8, and as amended by the Acts of the Fourth Called Session of the Forty-first Legislature, as the same appear in the published laws of said session, Chapter 20, page 37, and as amended by the Forty-second Legislature at its Regular

Session as same appears in the published laws of said session, Chapter 258, page 428, and providing that the officers herein named shall not be entitled to the fees provided for herein in delinquent tax suits until actual notice is given to the delinquent owner as provided for in Article 7324; to repeal all laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

By Senator Rawlings:

S. B. No. 14, A bill to be entitled "An Act to amend Article 3810 of the Revised Civil Statutes of the State of Texas of 1925 so as to provide that in all cases where sales of real estate are made under powers conferred by any deed of trust or other contract lien, that in such sales it shall be the duty of the holder or owner of said lien to give written notice of said sale to the owners of said land at least six months before the date of said sale and that said notice be given by registered letter through the United States mail, and further providing that in any and all such sales the owners of such real estate and their assigns shall have the right to redeem said property as is otherwise provided by law, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

By Senator Hornsby:

S. B. No. 15, A bill to be entitled "An Act to amend Senate Bill No. 114, Chapter 68, of the laws of the State of Texas, as passed by the Forty-second Legislature at its Regular Session in 1931, which Act defines and regulates Public Cotton Classers, by a more complete definition of a Public Cotton Classer, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Read and referred to the Committee on Agricultural Affairs.

By Senator Williamson:

S. B. No. 16, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legis-

lature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature relating to the appointment and compensation of county auditors in counties containing a population of thirty-five thousand inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of fifteen million dollars, according to the last approved tax roll, and providing for additional compensation for the County Auditors in such counties having more than 200,000 population and not more than 300,000 population according to the last Federal census where there is a city and county hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the city and county and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Rawlings:

S. B. No. 17, A bill to be entitled "An Act amending Article 2218, 2219, and Chapter 9 of Title 42 of the Revised Civil Statutes of Texas, 1925, and adding Article 2219A to said Chapter 9 of said Title 42; and providing that judgments foreclosing mortgage, contract, and deed of trust liens upon real estate shall not be executed, nor shall an order of sale issue thereon, until after the expiration of six months from and after the date such judgments become final; providing for a right of redemption in the judgment debtor, his heirs, executors, administrators, or assigns within twelve months after the date of sale; providing that if any section or part of this Act is declared invalid it shall not thereby affect the remainder of this Act; repealing all laws or parts of laws in conflict therewith; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senators Excused.

The following Senators were excused for the day on account of important business:

Senators Greer, Stevenson, and Russek.

House Bill Referred.

H. B. No. 9, referred to Committee on Judicial Districts.

Points of Order.

Senator Holbrook raised the point or order that S. B. No. 14 did not come within the Governor's call.

The Senate voted that the bill did come within the Governor's call by the following vote:

Yeas—16.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Hopkins.	Rawlings.
Hornsby.	Stevenson.
Moore.	Thomason.
Neal.	Woodruff.

Nays—4.

Gainer.	Purl.
Holbrook.	Woodul.

Present—Not Voting.

Williamson.	Woodward.
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Absent.

Cousins.	Oneal.
Hardin.	Pollard.
Loy.	Small.

Absent—Excused.

Greer.	Russek.
Martin.	

Senator Purl raised the point of order that S. B. No. 15, did not come within the Governor's call.

The Senate voted that the bill did come within the Governor's call.

S. C. R. No. 3.

Senator Beck sent up the following resolution:

Whereas, The general economic condition is unstable and justifies retrenchment in governmental affairs, as well as in all other lines of business, and,

Whereas, Many individuals and agencies engaged in business, both large and small, have found it necessary to reduce salaries and to adopt a general program of economy in the conduct of business; and,

Whereas, It is apparent that the State of Texas will have a large deficit at the end of the present biennium, now therefore,

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That it is the sense of the Legislature of Texas that a general program of economy be immediately adopted effective not earlier than October 1st, 1931, by all State Departments, Institutions and Agencies, and all branches of the Judiciary supported by the State; and that all salaries in the sum of \$1,501.00 per year, up to and including \$2,750.00 per year, be reduced in the sum of five per cent; all salaries in the sum of \$2,751.00 per year, up to and including \$5,000.00 per year, be reduced in the sum of ten per cent, and all salaries in the sum of \$5,001.00 per year, and over, be reduced in the sum of fifteen per cent; Provided, this reduction shall not apply to salaries fixed by the Constitution, but does specifically apply to all salaries fixed by Statute and all salaries fixed in whole or in part by Legislative enactment; and all salaries paid out of any State funds, General or Special; and that appropriations as made by the Forty-second Legislature for maintenance and up-keep, and for buildings and improvements, be reduced in the sum of fifteen per cent.

Be It Further Resolved, That the Governor of the State of Texas, together with the Chairman of the Finance Committee of the Senate, the Chairman of the Appropriation Committee of the House of Representatives, the Chairman of the Board of Control, the State Comptroller, Attorney General, and State Auditor, be designated as a Committee to see that the terms of this resolution be complied with; and said committee be and is hereby instructed to, at the earliest possible date, call a meeting to be held in Austin, Texas, at a time and place to be designated by the Governor, of all the heads of all State Departments, State Educational Institutions, State Eleemosynary Institutions, all branches of the Judiciary supported by the State, and all other State Agencies, and that this resolution be presented to them with the request, that they immediately take such steps as are necessary to comply with the terms hereof.

Be It Further Resolved That the head of each State department, State Educational Institution, State Eleemosynary Institutions, and every

other State Agency, and all members of the Judiciary receiving pay from the State within the terms of this resolution, be required to furnish the State Auditor a complete list of each and every individual who is employed under their direction in any capacity by the State of Texas, with the statement, as to whether or not, said employee has complied with the terms hereof; and that the State Auditor be and is hereby required to furnish to the Forty-third Legislature immediately upon its convening, a complete list of all individuals who fail or refuse to comply herewith.

Be It Further Resolved That the State Comptroller is hereby instructed not to issue warrants after October 1st, 1931, to any individual in the employ, or connected with the State of Texas in any capacity, coming within the limits of this resolution, for his or her salary, until he is advised by the head of the Department, Institution or Agency with which the Individual may be connected, or by the individual, that said individual has been informed of the contents of this resolution and has an expression from said individual as to complying with the terms hereof.

Be It Further Resolved That in the matter of the fifteen per cent reduction for maintenance and up-keep, and for buildings and improvements, that the head of each State Department, Educational Institution, Eleemosynary Institution, and every other Agency, and the Judiciary, shall consult with the State Board of Control with reference to the best manner by which this provision may be complied with, and that any and all charges made in this provision be subject to the approval of the State Board of Control; and

Be It Further Resolved That the actual expenses of the Chairman of the Finance Committee of the Senate, and the Chairman of the Appropriation Committee of the House of Representatives, be paid out of the Contingent Fund of the Second Called Session of the Forty-second Legislature, upon approval of vouchers signed by said Chairman, respectively, and the President of the Senate, and the Speaker of the House of Representatives, respectively.

BECK.

The resolution was read.

Senator Purl raised the point of order that a statute could not be altered, changed or repealed by a resolution, as this resolution attempted to do, and the further point of order that duties belonging to the legislative branch of the government could not be delegated to the executive branch by resolution as this resolution attempted to do.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator DeBerry sent up the following substitute for the resolution:

Whereas, The desperate condition of the cotton farmers in Texas, which has brought about this Second Called Session of the Legislature, would be made worse by a further increase in their taxes, and

Whereas, A raise in the ad valorem tax rate and the imposing of other tax burdens upon the various industries of this State seems inevitable unless the cost of running the government of Texas is reduced, and

Whereas, The State of Texas, as well as the nation, is in the midst of one of the most serious economic depressions experienced during its entire history, with many mills and factories running part-time or closed down entirely, and cotton, wheat, and other farm products selling at a price which will not afford a decent living condition for the farmers of this State, and

Whereas, The income from the gross production tax on oil has been reduced several millions of dollars, and

Whereas, The financial condition of the taxpayers of this State will prevent many of them paying their taxes during the next two years, and

Whereas, The old Confederate veterans and their widows are having difficulty in cashing their warrants on account of the condition of the Pension Fund and the General Revenue Fund of this State, and

Whereas, This condition, together with the fact that there will be a deficiency of more than four million dollars at the end of the current biennium, which will undoubtedly cause a deficit of several million dollars during the next biennium, and

Whereas, The conditions of the taxpayers of this State will not permit a further raising of the ad

valorem tax rate or the imposing of other tax burdens, and

Whereas, There is a too-wide difference between wheat selling at twenty-five cents per bushel, cotton selling at six cents per pound, and men begging for work at \$1.00 per day on the one hand, and this State paying some of the heads of our colleges, universities, and State departments six, eight, and ten thousand dollars per year salaries on the other, and

Whereas, The only remedy for this situation is to reduce the costs of operating the government of this State; therefore, be it

Resolved By The Senate of the Legislature of the State of Texas, That we respectfully request the Hon. R. S. Sterling, Governor of Texas, to submit to this Called Session of the Forty-second Legislature, after the cotton reduction bills have been disposed of, requesting the amending of the departmental, college and university appropriation bills and all other appropriation bills which were passed by the Regular Session of the Forty-second Legislature, in order that this Legislature may have an opportunity to reduce the amount contained in those appropriation bills and to cut salaries and other appropriations, to the end that new tax burdens will not have to be imposed upon the people of Texas, and that the government of Texas will not have to continue to operate upon a deficiency basis during the next two years.

DeBERRY.
POAGE.

The substitute was read.

Senator Woodruff moved the previous question on the substitute and the resolution. The motion failed to receive the proper seconding:

Senator Hardin moved to refer the substitute and the original resolution to the Committee on Finance.

Senator Woodruff moved to table the motion to refer. The motion prevailed.

The substitute was adopted.

The resolution as substituted was adopted.

Simple Resolution No. 5.

Senator Woodruff sent up the following resolution:

Whereas, The Legislature of Texas

at its Forty-second Session passed H. B. No. 251, known as the "Peddlers' License" Bill, which among other things, provided for the levy of an Occupation Tax upon certain transporters and retailers of farm products, and

Whereas, Such tax has resulted in discouraging the operations of such retailers and is detrimental to the best interest of the producers, growers and to the consumers of water-melons, cantaloups, vegetables of all kinds, syrup, peaches, etc. Therefore,

Be It Resolved That the Governor be and he is hereby requested to submit to the Second Called Session, Forty-second Legislature immediately a bill exempting from the terms and provisions of Chapter 212, page 355, General Laws of Regular Session of the Forty-second Legislature, the producers, retailers and distributors of farm products of all kinds.

WOODRUFF.

DeBERRY.

Read and adopted.

Resolution Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 4.

S. C. R. No. 4.

Senator Cousins sent up the following resolution:

Whereas, It now seems that during the World War the United States, though furnishing her quota of soldiers and supplies, has loaned money to foreign nations until the inhabitants of those indebted countries are so burdened with debts, that in their impoverished condition, they can not make money enough to pay their debts, and at the same time buy enough of our products to make our foreign trade continue in a normal way; and

Whereas, A common-sense view of the condition would show us that the United States, as a nation, can not own and have the majority of money in this country and expect other nations to continue paying their quota of taxes and continue buying the products produced by the citizens of the United States; and

Whereas, If said foreign nations can not pay back to the United States the debts that they now owe us, we would not be willing to send our American soldier boys to entangle us in an effort to collect said debts; and

Whereas, Many of the people now living in the credit countries that were defeated in the late war, were not responsible for the creation of said debts; and

Whereas, The fact that the debts due the United States by the credit nations are creating an ill will and feeling of jealousy against the people of the United States which may result in all the credit nations growing more jealous of the people of these United States; and it could possibly reach the position of a Boycott against people of the United States; therefore

Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, that the Legislature request Congress to investigate the policy of cancellation of said debts, that if in their judgment it is best to cancel all foreign debts, created for the furtherance of the World War, or as a penalty assessed against defeated nations, in order that prosperity may return to the great mass of citizens, not only in our country, but to the citizenship of the entire world. And be it further resolved that it is the desire of this Legislature that if said decision is made, it be made without reference to partisan politics, and if said foreign debts are cancelled the citizenship of the great State of Texas will be satisfied with said cancellation.

Be It Further Resolved, That a copy of this resolution be sent to all Legislative bodies of the several States of the United States if they are in session; and if not in session, they shall be sent to the Governors, who shall be requested to deliver it to the Legislators when they convene; and that a copy be sent to the President of the United States.

COUSINS,

MARTIN.

The resolution was read.

Senator Williamson moved to refer the resolution to the Committee on Federal Relations.

Senator Woodul received consent to send up the following amendment

to be covered by the pending motion along with the original resolution:

Amend the resolution by adding:

Provided, however that cancellation of war debts be contingent upon proper limitations of the armaments of the world.

WOODUL.

The amendment was read.

Senator Woodruff moved as a substitute for the pending motion that further consideration of the resolution be indefinitely postponed.

Senator Cousins moved to table the motion to postpone. The motion to table prevailed by the following vote:

Yeas—14.

Cousins.	Moore.
Cunningham.	Parr.
Gainer.	Pollard.
Holbrook.	Small.
Hopkins.	Williamson.
Hornsby.	Woodul.
Martin.	Woodward.

Nays—11.

Beck.	Parrish.
Berkeley.	Poage.
DeBerry.	Purl.
Hardin.	Stevenson.
Neal.	Woodruff.
Oneal.	

Absent.

Loy.	Rawlings.
Patton.	Thomason.

Absent—Excused.

Greer.	Russek.
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The motion to refer prevailed.

Motion for Committee of the Whole.

Senator Neal moved to go into Committee of the Whole at 2 p. m., to hear visitors from Arkansas.

Senator Woodruff moved as a substitute to go into Committee of the Whole at 1:30 o'clock p. m.

The substitute motion was lost.

The original motion prevailed.

Executive Session.

At 11:55 o'clock a. m., the Chair announced that the hour for the executive session had arrived. The chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room.

Austin, Texas, Sept. 14, 1931.

Hon. Edgar E. Witt, President of the Senate:

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments:

Hon. Will C. Hurst of Longview, Judge of the 124th Judicial District of Texas.

Hon. T. O. Davis of Center, Judge of the 123rd Judicial District of Texas.

Hon. W. F. Robertson of Austin, Judge of the 126th Judicial District of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that their appointments be in all things ratified and confirmed.

POLLARD, Chairman.

Point of Order.

Senator Purl raised the point of order that S. B. No. 16 did not come within the Governor's call.

The Senate voted that the bill did come within the Governor's call.

Senator Woodward raised the point of order that a quorum was lacking. The roll call showed 21 present.

Senator Gainer moved to recess until 2 p. m. The motion was lost.

Senators Holbrook and Purl raised the point of order that S. B. No. 17 did not come within the Governor's call.

The Senate voted that the bill did come within the Governor's call.

Reason for Vote.

I am strongly in favor of S. B. No. 17, I think it is perhaps the most constructive measure before our body, but I do not think it comes within the Governor's call.

PURL.

Recess.

On motion of Senator Gainer, the Senate, at 12:36 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Committee of the Whole.

In accordance with a previous motion, the Senate, at 2 o'clock p. m., resolved itself into a committee of the whole to hear certain distinguished visitors from Arkansas.

In Session.

The Senate was called to order at 2:38 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 2.

The Chair laid before the Senate on its second reading the following bill:

By Senators Neal and Thomason:

S. B. No. 2, A bill to be entitled "An Act prohibiting the planting of cottonseed for the purpose of growing cotton in the State of Texas in the year 1932, and prohibiting the gathering and ginning of cotton planted or grown in the State of Texas in the year 1932; providing for extermination of the Mexican cotton boll weevil, (*Anthonomus grandis*, Boheman), eradicating the disease of the cotton known as the Cotton Root Rot (*Phymatotrichum omnivorum*, Duggar); declaring it to be a misdemeanor to violate any provisions of this act and providing punishment therefor; and providing for the suspension thereof."

Read second time.

Senator Parrish sent up the following amendment:

Amend Senate Bill No. 2 by striking out all below the enacting clause, and by inserting in lieu thereof the following:

Section 1. It is hereby declared by the Legislature of the State of Texas that soil is a natural resource of the State and it is a public right, a public duty and made mandatory upon the Legislature of the State of Texas, under and by virtue of Section 59 of Article 16 of the Constitution of the State of Texas, to enact laws to compel the preservation and conservation of the fertility of the soil.

Sec. 2. For the purpose of preserving and conserving the fertility of the soil; to prevent the waste of the soil; to prevent erosion of the soil; to prevent the spread of root rot and to prevent any and all other diseases of the soil, it is hereby declared to be unlawful for any person, association of persons, firm, corporation or joint stock company, owning, renting, or having in possession or control any lands in this State, during the year 1932, to plant, cause or permit to be planted any cotton seed for the purpose of raising cotton on any land in the State of Texas. The plowing, harvesting or ginning of cotton grown in the State of Texas in the year 1932 is hereby prohibited; and for the same purpose it is declared to be unlawful for any person, association of persons, firm, corporation or joint stock company owning, renting or having in possession or control any lands in this State during the year 1933, and each year thereafter, to plant, cause or permit to be planted, cotton seed for the purpose of raising cotton on any land in excess of one-half (1-2) of the total area thereof, whether in one or more separate tracts.

Sec. 3. Every person, firm, corporation, joint stock company or association of persons, who shall violate the provisions of this Act, or any of them, shall, for each acre of land planted or permitted to be permitted to be planted in violation of this Act, forfeit or pay into the available school fund in the State of Texas a sum of not less than twenty-five (\$25.00) dollars nor more than fifty (\$50.00) dollars for each acre of land so planted in violation of this Act which may be recovered in the name of the State of Texas, in the district court of any county in the State of Texas wherein the violation occurred and jurisdiction is hereby given to such district court. It shall be the duty of the Attorney General or the district or county attorney under the direction of the Attorney General to institute and prosecute such suits for the recovery of such penalties, and it shall be the duty of all county attorneys and district attorneys to bring immediately to the attention of the Attorney General all information lodged with them as to violations of this Act by any such person, firm,

corporation, joint stock company, or association. The fee of the district or county attorney for representing the State in all proceedings under this Act for the collection of penalties for its violation, shall be an amount not to exceed twenty-five per cent (25%) of the amount collected. In case any suit is compromised before any final judgment in the trial court is had, then the fee herein provided for shall be ten per cent (10%) of the amount collected.

The district or county attorney instituting any suit under this Act shall ask for an injunction restraining the defendant or defendants from violating the provisions of this Act, and the court shall forthwith herein determine the issues raised by such prayer for injunction and enter such orders and grant such relief as the law and the facts justify.

Sec. 4. Any contract or agreement to plant, cultivate or gather any cotton in violation of any provision of this Act shall be absolutely void and not enforceable either in law or equity.

Sec. 5. The rights and remedies of injunction as in ordinary cases is hereby expressly granted to any citizen of this State as a means whereby, in addition to all other remedies, this Act may be enforced, and when it is made to appear to any judge of any district court in this State by the sworn petition of any citizen of this State that this Act is being, has been or is threatened to be violated, he shall grant such relief as the law and facts justify.

Sec. 6. Upon the sworn complaint of any citizen of this State that any part of this Act is being, has been or is threatened to be violated, or upon the request of the county judge of any county in this State, or of the Commissioner of Agriculture of this State, it is hereby made the duty of the Attorney General of Texas and the several county and district attorneys of this State, to institute injunction proceedings in the proper courts having jurisdiction of the parties and the subject matter in the name of the State as plaintiff, against the persons complained of as defendants to enforce the provisions of this Act and prevent any violation thereof, and said judges and said courts shall have the power to grant such relief and make such

orders as the law and the facts justify. In such suit or suits any number of defendants may be made parties thereto and the joinder of more than one defendant in the same action shall not be cause to abate said action.

Sec. 7. In addition to all other duties now imposed upon or required of the Commissioner of Agriculture of the State of Texas, it is hereby made his duty to aid in the enforcement of this Act and to furnish each county and district attorney of each and every county and district in this State and the Attorney General all information coming to his knowledge showing or tending to show any violation hereof.

Sec. 8. If any part of this Act shall be held to be invalid, or, if any sentence, section or sub-section shall be held to be invalid, it is expressly declared by the Legislature that the remaining parts, sections or sub-sections shall not in any manner be affected thereby, but the remaining portion of said Act and of each sentence, section or sub-section shall be held to remain in full force and effect; and it is now declared by the Legislature that notwithstanding the invalidity, if any, of any part of this Act or any section, or sub-section, the Legislature would have enacted the remaining portions, regardless of the invalidity of any sentence, section or sub-section, or any other portion thereof.

Sec. 9. The importance of the subject matter herein contained; the limited time within which the Legislature may act; the immediate necessity for the approval of this Act, and the effect thereof upon other States producing cotton, and the probability of other Southern cotton growing states following the policy of this State, and the necessity for early action in order to make more effective the benefits contemplated by the final passage of this Act, creates an emergency and an imperative public necessity that the constitutional rule which requires bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

PARRISH.

The amendment was read.

Senator Cunningham sent up the following substitute for the amendment:

Amend S. B. No. 2 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. It is hereby declared by the Legislature of the State of Texas that soil is a natural resource of the State and it is a public right, a public duty and made mandatory upon the Legislature of the State of Texas under and by virtue of Section 59 of Article 16 of the Constitution of the State of Texas to enact laws to compel the preservation and conservation of the fertility of the soil.

Sec. 2. For the purpose of preserving and conserving the fertility of the soil; to prevent waste of the soil; to prevent erosion of the soil; to prevent the spread of root rot and to prevent any and all other diseases of the soil, it is hereby declared to be unlawful for any person, association of persons, firm, corporation or joint stock company, owning or having in possession or control any lands in this State, during the year 1932, to plant, cause or permit to be planted any cotton seed for the purpose of raising cotton on any such land in excess of one-third of the total area thereof, whether in one or more separate tracts, which was in cultivation during the year 1931; and for the same purpose it is declared to be unlawful for any person, association of persons, firm, corporation or joint stock company owning or having in possession or control any lands in this State during the year 1933, to plant, cause or permit to be planted cotton seed for the purpose of raising cotton on any land in excess of one-third of the total area thereof, whether in one or more separate tracts, which was in cultivation during the year 1932.

Sec. 3. It shall be unlawful for any person to plant, cause or permit to be planted any cotton seed in 1933, for the purpose of raising cotton on any land upon which cotton was planted and grown during the year 1932.

Sec. 4. For the purpose of preserving and conserving the fertility of the soil, to prevent waste thereof and to prevent erosion of the soil and to prevent the spread of root rot and all other diseases of the soil and for the purpose of refertilizing the soil, it

shall be unlawful during the year 1934 for any person, firm, corporation or joint stock company to plant any cotton seed for the purpose of raising cotton on any land upon which cotton was planted and cultivated during the year 1933, and thereafter no cotton seed shall be planted during any year for the purpose of producing cotton on the same land upon which cotton was planted or cultivated the year immediately preceding and shall not plant or cultivate any cotton on the same land any two years in succession.

Sec. 5. Every person, firm, corporation, joint stock company or association of persons, who shall violate the provisions of this Act, or any of them, shall for each acre of land planted or permitted to be planted in violation of this Act, forfeit or pay into the available school fund in the State of Texas a sum of not less than twenty-five (\$25.00) dollars nor more than fifty (\$50.00) dollars for each acre of land so planted in violation of this Act which may be recovered in the name of the State of Texas, in the district court of any county in the State of Texas wherein the violation occurred and jurisdiction is hereby given to such district court. It shall be the duty of the Attorney General or the district or county attorney under the direction of the Attorney General to institute and prosecute such suits for the recovery of such penalties, and it shall be the duty of all county attorneys and district attorneys to immediately bring to the attention of the Attorney General all information lodged with them as to violations of this Act by any such person, firm, corporation, joint stock company, or association. The fee of the district or county attorneys for representing the State in all proceedings under this Act for the collection of penalties for its violation, shall be an amount not to exceed twenty-five per cent of the amount collected. In case any suit is compromised before any final judgment in the trial court is had, then the fee having provided for shall be ten per cent of the amount collected.

The district or county attorney instituting any suit under this Act shall ask for an injunction restraining the defendant or defendants from violating the provisions of this Act, and the court shall forthwith herein de-

termine the issues raised by such prayer for injunction and enter such orders and grant such relief as the law and the facts justify.

Sec. 6. Any contract or agreement to plant, cultivate or gather any cotton in violation of any provision of this Act shall be absolutely void and not enforceable either in law or equity.

Sec. 7. The rights and remedies of injunction as in ordinary cases is hereby expressly granted to any citizen of this State as a means whereby, in addition to all other remedies, this Act may be enforced, and when it is made to appear to any judge of any district court in this State by the sworn petition of any citizen of this State that this Act is being, has been or is threatened to be violated, he shall grant such relief as the law and facts justify.

Sec. 8. Upon the sworn complaint of any citizen of this State that any part of this Act is being, has been or is threatened to be violated, or upon the request of the county judge of any county in this State, or of the Commissioner of Agriculture of this State, it is hereby made the duty of the Attorney General of Texas and the several county and district attorneys of this State, to institute injunction proceedings in the proper courts having jurisdiction of the parties and the subject matter in the name of the State as plaintiff, against the persons complained of as defendants to enforce the provisions of this Act and prevent any violation thereof, and said judges and said courts shall have the power to grant such relief and make such orders as the law and the facts justify. In such suit or suits any number of defendants may be made parties thereto and the joinder of more than one defendant in the same action shall not be cause to abate said action.

Sec. 9. In addition to all other duties now imposed upon or required of the Commissioner of Agriculture of the State of Texas, it is hereby made his duty to aid in the enforcement of this Act and to furnish each county and district attorney of each and every county and district in this State and the Attorney General all information coming to his knowledge showing or tending to show any violation hereof.

Sec. 10. Each and every person upon the rendition of his or his principals' lands for taxes for the year 1932, shall state to the county assessor of taxes the total number of acres in cultivation in 1931, and also the number of acres thereof upon which cotton was grown on said land during the year 1931; and likewise and in the same manner, upon the rendition of his or his principals' lands for taxes for the year 1933, he shall state to the county assessor of taxes the total number of acres in cultivation in 1932 and also the number of acres thereof upon which cotton was grown on said land in the year 1932. Each rendition so made shall, in addition to the requirements contained in Article 7204 of the Revised Civil Statutes of 1925, contain the question and answer hereinabove required, all of which as now required by law, shall be sworn to by the person making the rendition.

Sec. 11. If any part of this Act shall be held to be invalid, or if any sentence, section or subsection shall be held to be invalid, it is expressly declared by the Legislature that the remaining parts, sections or subsections, shall not in any manner be affected thereby but the remaining portion of said Act and of each sentence, section or subsection shall be held to remain in full force and effect; and it is now declared by the Legislature that notwithstanding the invalidity, if any, of any part of this Act, or any section, or subsection, the Legislature would have enacted the remaining portions regardless of the invalidity of any sentence, section or subsection or any other portion thereof.

Sec. 12. The importance of the subject matter herein contained; the limited time within which the Legislature may act; the immediate necessity for the approval of this Act and the effect thereof upon other States producing cotton and the probability of other Southern cotton growing states following the policy of this State and the necessity for early action in order to make effective the benefits contemplated by the final passage of this Act, creates an emergency and an imperative public necessity that the constitutional rule which requires bills to be read on three several days be suspended and said rule is hereby suspended and

this Act shall take effect and be in force from and after its passage and it is hereby so enacted.

CUNNINGHAM.

The substitute was read.

Senator Beck sent up the following amendment to the substitute to be considered along with it:

Amend S. B. No. 9, page 1, Section 3, by striking out the word one-third wherever they appear and substitute the words one-fifth.

BECK.

The amendment was read.

Recess.

On motion of Senator Parr, the Senate, at 5:37 o'clock p. m., recessed until 9:30 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

(Telegram.)

Columbia, S. Car., Sept. 14,
President of the Senate,
Austin, Texas:

The Senate of the State of South Carolina today adopted the following resolution signed James H. Fowles, Clerk: Whereas the Texas General Assembly now in session is considering the cotton situation and whereas the Senate of South Carolina deems that the salvation of the cotton farmers of the South depends upon speedy enactment of legislation prohibiting the planting of any cotton in the South during the year 1932, now therefore,

Be It Resolved That the Senate of South Carolina respectfully urge upon the General Assembly of the State of Texas the adoption of a measure prohibiting the planting of cotton in the State of Texas for the year 1932 and

Be It Further Resolved That a copy of this resolution be telegraphed to the Governor of the State of Texas, Speaker of the House and President of the Senate of the State of Texas.

Committee Reports.

Committee Room.

Austin, Texas, Sept. 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on

Counties and County Boundaries, to whom was referred

S. B. No. 11, A bill to be entitled "An Act to amend Section 22, Chapter 34, of Acts of the First Called Session of the Forty-first Legislature of the State of Texas, said chapter being entitled 'An Act to create a more efficient road system for McLennan County, Texas,' by changing the figures eighteen hundred (\$1800.00) dollars to six hundred (\$600.00) dollars wherever they appear, and adding thereto a provision prohibiting the use of county owned automobiles or any form of county supplied transportation by the county commissioners of McLennan County, and prohibiting the receipt by such commissioners of compensation not herein provided for, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

POAGE, Chairman.

FIFTH DAY.

(Continued)

Senate Chamber,
Austin, Texas,
September 15, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by President Pro Tem W. E. Thomason.

Committee Appointed.

The Chair announced that he had appointed the following as a committee from the Senate to represent the Senate at the funeral of Captain Walter:

Senators Hopkins, Holbrook, Moore and Neal.

Senate Bill No. 3.

The question recurred upon the pending amendment to the substitute for the amendment to S. B. No. 2.

Simple Resolution No. 7.

Senator Hornsby sent up the following resolution:

Whereas, The Honorable Temple Harris McGregor, a former member